

UNITED STATES DISTRICT
COURT FOR PROVIDENCE R.I.

Peter Bibby

CA09- 529

vs..

Joseph F. Rodgers

ADMINISTRATOR OF IN BOTH THEIR INDIVIDUAL
SUPERIOR COURT & STATE AND OFFICIAL CAPACITY.
OF RHODE ISLAND ET AL.

MAGISTRATE HARWOOD,

JANE AND JOHN DOE ET AL.

"CLERKS" AND JUDGE RODGERS

CIVIL RIGHTS COMPLAINT.

THIS IS A CIVIL ACTION PURSUANT TO
42 USC 1983 AND IS BEING FILED
AGAINST DEFENDANTS, FOR DAMAGES, FOR
THEIR ACTIONS ALLEGED HEREIN, AND

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TO REMEDY VIOLATIONS OF MY 1, 4, 6, 8, 14
AMENDMENT RIGHTS OF THE U.S. CONSTITUTION.

JURISDICTION & VENUE

#1 JURISDICTION IS PROPER PURSUANT
TO 28 USC SECTION 1343(3), VENUE IS
PROPER IN THE FIRST DISTRICT OF
PROVIDENCE, RHODE ISLAND, PURSUANT
TO 28 USC SECTION 1391(B).

#2 PARTIES IN THIS ACTION.

PETER J. BIBBY IS THE PLAINTIFF WHO IS
LOCATED AT P.O. BOX 20983, CRANSTON, RI.
02920.

#3 JOSEPH F. RODGERS IS A DEFENDANT, AND
ADMINISTRATOR OF SUPERIOR COURT, AND PROBATION
JUSTICE, IS LOCATED AT 250 BENNETT ST
PROVIDENCE, RI 02903. AND IS BEING SUED
IN BOTH CAPACITIES, AS A ADMINISTRATOR AND
JUDGE, FOR HIS ACTIONS, AT ALL TIMES RELEVANT
TO THIS COMPLAINT, UNDER THE COLOR OF
STATE LAW.

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#4 MAGISTRATE HARRWOOD IS A DEFENDANT AND IS LOCATED AT 250 BENEFIT STREET PROVIDENCE RHODE ISLAND 02903. AND IS BEING SUED FOR HATE ACTIONS AT ALL TIMES RELEVANT TO THIS COMPLAINT, UNDER THE COLOR OF STATE LAW.

#5 JUDGE RODGERS, AND JOSEPH R. RODGERS AND STATE OF RHODE ISLAND, IS A DEFENDANT, AS WELL AS JANE AND JOHN DOE "CLERKS," AND ADMINISTRATOR OF COURT, ALL OF THESE DEFENDANTS ARE BEING SUED FOR THESE ACTIONS UNDER THE COLOR OF STATE LAW AND AT ALL TIMES RELEVANT TO THIS COMPLAINT. IN THERE INDIVIDUAL AND OFFICIAL CAPACITY.

FACTS

JOSEPH R. RODGERS, CLERKS, MAGISTRATE HARRWOOD AND THE STATE OF RHODE ISLAND CREATED AN EXTERNAL CONSTRAINT AGAINST PLAINTIFF, THAT RESULTED FROM CHANGE OF POLICY BY PUBLIC DEFENDERS IN SUPERIOR

(SEE EXHIBIT B) 3

LETTER PD'S

#4 MAGISTRATE HARRWOOD IS A DEFENDANT AND IS LOCATED AT 250 BENEFIT STREET PROVIDENCE RHODE ISLAND 02903. AND IS BEING SUED FOR HER ACTIONS AT ALL TIMES RELEVANT TO THIS COMPLAINT.

#5 JUDGE RODGERS, AND JOSEPH K. RODGERS AND STATE OF RHODE ISLAND, IS A DEFENDANT, AS WELL AS JANE AND JOHN DOE "CLERKS," AND ADMINISTRATOR OF COURT, ALL OF THESE DEFENDANTS ARE BEING SUED FOR THESE ACTIONS AT ALL TIMES RELEVANT TO THIS COMPLAINT. IN THESE INDIVIDUAL AND OFFICIAL CAPACITY.

FACTS

#6 JOSEPH K. RODGERS, CLERKS, MAGISTRATE HARRWOOD AND THE STATE OF RHODE ISLAND CREATED AN EXTERNAL CONSTRAINT AGAINST PLAINTIFF, THAT RESULTED FROM CHANGE OF POLICY BY PUBLIC DEFENDERS IN SUPERIOR
(SEE EXHIBIT B) 3
LETTER PD'S

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COURT ON DECEMBER 11, 18 AND 26, 2006, AS WELL AS OTHER DATES ALLEGED HEREIN THIS COMPLAINT. THE ADMINISTRATOR JOSEPH F. RODGERS AND THE STATE OF RHODE ISLAND OWED A SPECIAL DUTY AND BREACHED THIS DUTY BY FAILING TO AFFORD EQUAL PROTECTION AFFORDED TO ALL AND TO PROPERLY TRAIN ITS EMPLOYEES, IN COURT.

#7 ON DECEMBER 11, 2006 MAGISTRATE HARWOOD APPOINTED THE PUBLIC DEFENDERS WHO NEVER SHOWED, WHEN ALL OF THE JUDGES WERE SUPPOSE TO APPOINT PRIVATE COUNSEL FOR 32(f) PROBATION VIOLATORS.

#8 THIS CONTRIBUTORY NEGLIGENCE BY DEFENDANTS WAS DUE TO JOSEPH F. RODGERS, THE ADMINISTRATOR OF THE PROVIDENCE SUPERIOR COURT'S FAILURE AND INABILITY TO TRAIN AND ADEQUATELY SUPERVISE HIS EMPLOYEES IN SUPERIOR COURT AND ADVISE JUDGES/MAGISTRATE OF POLICY CHANGE, WHICH RESULTED IN DAMAGES ALLEGED HEREIN.

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#9 THE INABILITY OF COURT TO APPOINT COUNSEL ON DECEMBER 11, 18 AND 26, 2006 DENIED/DELAYED MY RIGHTS TO OUR PROCESS, A BAIL HEARING, AND DENIED APPOINTED COUNSEL ADEQUATE TIME TO PREPARE FOR A VIOLATION HEARING. THE COURTS NEGLIGENCE CAUSED A VIOLATION OF R.I.G.L. AND DENIED ME EQUAL PROTECTION AFFORDED UNDER 14 AMENDMENT OF THE UNITED STATES CONSTITUTION TO ALL.

#10 THE DEFENDANTS NEGLIGENCE LED TO A CONSPIRACY BY COURT EMPLOYEES/DEFENDANTS AND SET OFF A CHAIN OF EVENTS CAUSING A COVER UP BY JOSEPH E. RODGERS, CLERKS AND COURT APPOINTED COUNSEL. THESE ACTIONS VIOLATED RULES OF SUPERIOR COURT AND CAUSED PLAINTIFF TO BE HELD BY ABUSE OF PROCESS. AS A RESULT OF THIS NEGLIGENCE PLAINTIFF RIGHTS TO MINIMUM OUR PROCESS PROTECTIONS WERE DENIED/DELAYED. CAUSING PLAINTIFF TO BE FALSELY IMPRISONED AT VIOLATION HEARING FOR ULTERIOR ABUSE AND MOTIVE, PLAINTIFF FILED SEVERAL MOTIONS TO CORRECT SENTENCE. (5) AND WAS DENIED EQUAL PROTECTION. AFTER SENTENCE CORRECTION. THEN CLERKS FAILURE TO PROVIDE ADEQUATE NOTES TO D.O.C.

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#11 AS A RESULT OF THIS CONSPIRACY BY DEFENDANTS ALLEGED herein 6-10, JOSEPH R. RODGERS THRU HIS CLERKS INTENTIONALLY FAILED TO PROPERLY FILL OUT THE MIT-U-MIS AND CORRECT MY SENTENCES AFTER MANY REQUESTS/MOTIONS AND CONTACT THE D.O.C. AFTER I WAS GRANTED A SENTENCE CORRECTION ON 9/17/2007 ON ^{PL-2007-2261A} ^{K2-2005-02891} (SEE ^{CURRENT} DOCKET SHEET) & (MIT-U-MIS & TRANSCRIPTS) ^{9/17/2007} ^{7/22/2009}

#12 THE PLAINTIFF ALLEGES THAT THIS DENIAL OF HIS RIGHTS TO COUNSEL, A TIMELY SENTENCE REVIEW CORRECTION, BAIL AND CONSIDERATION WITH APPROPRIATE TIME AT PAROLE WERE RIGHTS THAT WAS ENTITLED TO HIM UNDER R.I.G.L. AND 14TH. AMENDMENT OF THE U.S. CONSTITUTION.

#13 PLAINTIFF ALLEGES THAT THIS NEGLIGENCE BY DEFENDANTS WAS INTENTIONAL IN AN EFFORT TO COVER UP MISTAKES MADE IN DEEDS OF APPOINTMENT OF COUNSEL, AND JUDGE RODGERS WAS INFORMED OF THIS IN 6/2007 BY GLENN SPANNA ATTORNEY. (SEE ATTACHMENT B) AND AT LATER DATES IN MY REQUESTS HE FURTHER ALLEGES THAT HE MADE SEVERAL REQUESTS DIRECTLY TO JUDGE RODGERS WHO FAILED TO RESPOND, AND ATTEMPTS FOR JUDGE RODGERS TO CORRECT THESE ERRORS UP AND THRU 11/2008. SEE LETTER TO GLENN SPANNA 6/2007 (C) WHO HAD TO DO SO.

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- #14 THE PLAINTIFF ALLEGS THAT AT ALL TIMES
RELEVANT TO THIS COMPLAINT HE WAS DILIGENT
AND DID NOT CAUSE OR INFLUENCE ACTIONS OR
CONTRIBUTORY NEGLIGENCE THAT OCCURRED
BY DEFENDANTS, WHO WERE SOLELY RESPONSIBLE FOR DAMAGES
ALLEGED HEREIN BY PLAINTIFF.
- #15 THE NEGLIGENCE AND CONSPIRACY BY DEFENDANTS
HAS CAUSED IRREPARABLE HARM AND DAMAGES
THAT RESULTED FROM 7-14 ALLEGED HEREIN.
- DAMAGES CAUSED BY DEFENDANTS
- #16 LOSS OF LIBERTY (CONTINUOUS) & ^{DENIAL OF} EARLY PAROLE.
- #17 LOSS OF TOOLS & EQUIPMENT.
- #18 LOSS OF CONTRACTORS LICENSES, HEAL & REPRESENTATION.
- #19 HAS RECEIVED HUGE FINES AND HAS BEEN UNABLE
TO FIND COUNSEL TO ASSIST IN COLLECTING
MONEY'S OWED AND SECURING EQUIPMENT.
- #20 POSSIBILITY OF FURTHER CRIMINAL ACTIONS DUE TO
BEING UNABLE TO COMPLETE SEVERAL CONTRACTS.
- #21 MENTAL ANGUISH, STRESS, LOSS OF FAMILY RELATIONS,
HOME AND PERSONAL EFFECTS GONE.
- #22 HAS HAD AN IMPACT ON PERSONAL CAREER LIFE.
UNABLE TO OBTAIN PROPER MEDICAL NEEDS.
- #23 LOSS OF COMMUNICATION WITH FAMILY, WIFE SUFFERS
FROM PANIC ATTACKS.
- #24 PLAINTIFF DEMANDS A JURY TRIAL

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SUMMARY

Wherefore, for the REASONS STATED HEREIN
 this Complaint, PLAINTIFF Peter J. Bibby
 DEMANDS JUDGMENT IN AN AMOUNT SUFFICIENT
 TO INVOKe THE JURISDICTION OF THIS HONORABLE
 COURT, TOGETHER WITH PLAINTIFF'S COMPENSATION,
 MORTGAGE, AND ANY OTHER RELIEF THIS COURT
 SEES FIT. ALONG WITH ATTORNEYS FEES, INTEREST
 AND COURT COSTS.

THE FOLLOWING ATTACHMENTS ARE A PART
 OF THIS COMPLAINT, AND IN SUPPORT THEREOF.

{ EXHIBIT A } { EXHIBIT B → MOTIONS TO VACATE
 AFFIDAVIT } { AND + CORRECT
 MEMORANDUM AT LAW, LETTERS }

THIS ACTION IS PRO-SE AND AS A
 RESULT I WOULD LIKE TO QUOTE
 THE FOLLOWING:

HAINES VS. KARNER 404 U.S. 519,

30 LEd 2d 652 AND 92S CT 594.

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THE UNITED STATES SUPREME COURT HOLDS
ALLEGATIONS OF A PRO-SE COMPLAINT
TO LESS STRINGENT STANDARDS THAN FORMAL
PLEADINGS DRAFTED BY LAWYERS.

DATED ON:

OCTOBER 30 2009

SIGNED by:

S/ Peter J. Bibby Pro-Se

ATTACHMENTS

Peter J. Bibby Pro-Se
P.O. Box 8212

(See NOTES Page 8)

CRANSTON, RI 02920

MINIMUM \$71058

CERTIFICATION

I CERTIFY THAT ON OCTOBER 30 2009,
I MADE A TRUE COPY OF THE WITHIN
TO THE UNITED STATES DISTRICT COURT AT ONE
EXCHANGE TERRACE PROVIDENCE RI 02903

(9)

S/ Peter J. Bibby Pro-Se

(10)

VERIFICATION

I Peter J. Bibby HAVE VERIFIED
THAT THE FACTS AND PERSONS ARE
TRUE AND CORRECT AS STATED,
THOSE FACTS THAT WERE LEARNED
UPON INFORMATION AND BELIEF,
I BELIEVE THEM TO BE TRUE
BECAUSE THEY CAME TO ME FROM
RELIABLE SOURCES. THE FACTS
AND DAMAGES ARE ON PAGE NUMBERS
4, 5, 6, 7 & 8 AND THE ITEM NUMBERS
ARE (6 thru 24) AND THE PARTIES
ARE ON PAGE NUMBERS 1, 2 AND 3.
AND ARE LISTED AS (2 thru 5).

OCTOBER 30, 2009
DATE

Peter J. Bibby
P.O. Box
CRANSTON RI 02920
71058